



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Metropolitan Boston - Northeast Regional Office

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EDWARD P. KUNCE
Acting Commissioner

MODIFIED WATER WITHDRAWAL PERMIT
MGL c 21G

This Modified Permit is issued pursuant to the Massachusetts Water Management Act (the "Act") for the sole purpose of modifying the terms and conditions governing the withdrawal of a volume of water authorized herein. This Modified Permit conveys no right in or to any property beyond the right to withdraw the volume of water for which it is issued.

PERMIT NUMBER: 9P-3-17-163.01 & 9P-3-18-163.02

RIVER BASIN: Ipswich & N. Coastal

PERMITTEE: Lynn Water and Sewer Commission
400 Parkland Avenue
Lynn, MA 01887

ORIGINAL ISSUANCE DATE: February 15, 1991

MODIFICATION DATE: May 19, 2003

EXPIRATION DATE: August 31, 2009

NUMBER OF WITHDRAWAL POINTS: 6

Ipswich Basin = 1 Surface Water Source
North Coastal Basin = 5 Surface Water Sources

USE: Public Water Supply

DAYS OF OPERATION: 365

LOCATION(S):

<u>Ipswich Source</u>	<u>Source Code</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Location</u>
Ipswich River	3163000-05S			Elm St., N. Reading
<u>North Coastal</u>				
Saugus River	3163000-06S			Walnut St, Lynnfield
Hawkes Pond	3163000-02S			Route 1, Saugus
Walden Pond	3163000-04S			Walden Pond Ave., Lynn
Birch Pond	3163000-03S			Walnut St., Lynn
Breeds Pond	3163000-01S			Walnut Street, Lynn

This information is available in alternate format. Call April McCabe, ADA Coordinator at 1-617-556-1171.

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SPECIAL CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume

This Modified Permit authorizes the withdrawal of water for the purpose of serving the businesses, schools, municipal facilities, institutions and residences in the City of Lynn, on average over a calendar year, at the rate described below. The volumes authorized by this Modified Permit are in addition to the 8.93 million gallons per day (MGD) that the Commission was registered to withdraw from the North Coastal Basin and the 5.31 MGD that the Commission was registered to withdraw from the Ipswich River Basin during the 180 days from December thru May.

The permitted volume represents the cumulative amount that can be withdrawn in both basins and is expressed in millions of gallons, both as an average daily withdrawal rate per year and as a total annual withdrawal volume for each period of the permit term. The Department will use raw water volumes when assessing compliance with the volumes authorized by the registrations of the Lynn Water and Sewer Commission (the "Commission") and this Modified Permit.

These volumes are conditionally approved, pending determination of the firm yield of the Commission's water system.

Withdrawals are authorized as follows:

			<u>Daily Average (MGD)</u>	<u>Total Annual (MGY)</u>
Period One				
Years 2-5	2/15/1991	to 8/31/1994	0.33	120.45
Period Two				
Years 6-10	9/1/1994	to 8/31/1999	0.33 *	120.45
Period Three				
Years 11-13	9/1/1999	to 5/18/2003	1.28	467.20
Period Four				
Years 13-20	5/19/2003	to 8/31/2009	0.33 *	120.45

* Because actual water withdrawals have been significantly below allocated volumes and since there is insufficient water available at this time in the Ipswich River Basin and Saugus River sub-basin to support increased withdrawals, the Department held the Commission's permitted withdrawal volumes to the volume originally allocated for Period One.

If, for any year beginning with calendar year 2004, the Commission exceeds its total authorized withdrawal volume of 11.88 MGD on an average annual daily basis, on or before March 1st of the following year, the Commission shall submit to the Department for its review and approval a plan and schedule for implementing a water bank. Thereafter, the Commission shall implement the water bank as approved by the Department.

At a minimum, this water bank shall provide for conserving at least two gallons of water for every additional gallon of water demand. The water bank requirement applies, even if the Commission exceeds its total authorized volume on an average annual daily basis by an amount that is less than the threshold volume. If the Commission exceeds its total authorized volume on an average annual daily basis by more than the threshold volume, the Commission will be in violation of the Water-Management Act and this Modified Permit.

2. **Ipswich River Streamflow Diversion Triggers**

Ipswich River- Withdrawals from the Ipswich River may only be made under the following streamflow conditions as measured at the USGS Gauge Station #01101500 in South Middleton:

Period	Streamflow Diversion Thresholds*	Streamflow (USGS South Middleton Gauge Station #01101500)
June 1 - Oct.30	> 3.17 cfs _m	> 141 cfs
Nov.1 - Feb.28	> 1.0 cfs _m	> 44.5 cfs
March 1 - May 31	> 1.0 cfs _m	> 44.5 cfs

cfs_m = cubic feet per second per square mile
cfs = cubic feet per second

* The above values represent interim streamflow diversion thresholds. The interim streamflow thresholds set forth in the table above shall remain in effect, only until the Department gathers sufficient information to establish additional interim streamflow diversion thresholds and/or final streamflow diversion thresholds. The additional information includes without limitation supplemental modeling by the USGS.

3. **Saugus River Recommended Streamflow and Diversion Triggers**

Saugus River- Diversions from the Saugus River (3163000-06S) are recommended to be made under the following streamflow release conditions at the Diversion Dam on the Saugus River:

Period	Recommended Streamflow Diversion Thresholds*	Streamflow
June 1 - Sept.30	0.29 cfs _m	3 cfs
Oct.1 - Feb.28	0.57 cfs _m	6 cfs
March 1 - April 30	1.14 cfs _m	12 cfs
May 1- May 31	0.95 cfs _m	10 cfs

cfs_m = cubic feet per second per square mile
cfs = cubic feet per second

Source: Saugus River Water Budget and Instream Flow Study
by Gomez and Sullivan (GSE)(2002)

- The above values represent recommended interim streamflow diversion thresholds. These recommendations shall remain in effect while the Department evaluates whether the Commission can operate its system under the interim streamflow diversion thresholds set forth above, balance flow for Reedy Meadows, flood control, streamflow in the Saugus River, streamflow in the Ipswich River, and meet the demands of its customers.
- Particular consideration shall be given to maintaining a flow of at least 10 cfs in the Saugus River during the spring period when alewife and herring are migrating in area rivers for spawning. The Department reserves the right to reevaluate the recommended interim streamflow diversion threshold, if fish passage beyond the dam is provided in the future.
- The Department recommends that the Commission implement the Operating Plan submitted in Section 4 of the Response to the Order to Complete. During periods when water levels in Reedy Meadows approach the target water elevation range specified in the Operating Plan, the Commission shall attempt to stabilize the headpond level within the target water elevation range by controlling the releases at the dam.
- The Commission shall continue to manage the two sluice gates at the Diversion Dam as demonstrated in recent practices and as described in the Response to the Order to Complete dated March 14, 2003.
- If the Commission deviates from the recommendations contained herein, the Commission shall notify the Department in writing along with the reasons for the deviation within thirty days of the end of the applicable diversion period set forth in the table above.

4. Additional Information Required to Establish Final Streamflow Diversion Thresholds

The Department has contracted with the USGS to perform additional modeling to evaluate alternative management scenarios for the firm yield determination. In addition to the modeling, the Department requires that the Commission take the following actions to provide the Department with the information it needs to establish further interim streamflow diversion thresholds and/or final streamflow diversion thresholds.

On or before November 16, 2003, the Commission shall submit to the Department a plan that outlines the historic operating ranges of reservoir elevations during the months of March thru May and identifies how these reservoir elevations affect the amount of water the Commission diverts from the Ipswich River and the Saugus River.

On or before December 31, 2003, the Commission shall install an effective flow meter(s) for the two sluice gates at the Diversion Dam control structure on the Saugus River. Diversion flow data shall be monitored and recorded daily beginning in 2004.

On or before December 31, 2003, the Commission shall install a flow monitoring gauge downstream of the dam within the Saugus River. The gauge shall be maintained and a rating curve for the gauge established. Until a more detailed rating curve can be established for the gauge, the Commission may use data from Gomez and Sullivan Engineer's Water Budget and Instream Flow Study Report (2002) (the "GSE Report") (i.e., water surface elevation vs. flow

relationships) to estimate the target flows using the staff gauge. The Commission shall monitor and record instantaneous flow readings from the gauge daily beginning in 2004.

On or before December 31, 2004, the Commission shall submit to the Department a response to the recommendations in the GSE Report. If the Commission disagrees with the recommendations of the GSE Report, the Commission shall provide the reasons for its disagreement and make alternative recommendations.

On or before December 31, 2004, the Commission shall submit a report evaluating what the Commission can do to optimize use of its existing sources under the interim streamflow diversion thresholds set forth herein and under the streamflow thresholds proposed by the Ipswich River Fisheries Restoration Task Group ("the Fisheries Group"). The report should also evaluate how much water it would need to purchase from the MWRA and the cost of that purchase, under current conditions, and if it optimized use of its existing sources, if the Department adopted the streamflow diversion thresholds recommended by the Fisheries Group for the months March thru May.

5. Surface Water Protection Requirement

On or before May 16, 2005, the Commission shall comply with 310 CMR 22.20C(1)(d)4 by developing a Department approved surface water protection plan.

On or before May 16, 2005, the City of Lynn shall implement zoning and nonzoning controls that meet the requirements of 310 CMR 22.20C(2) to protect the portion of the Zone A that lies within its boundaries.

On or before May 16, 2005, the Commission shall submit documentation to the Department that it has used best efforts to get the Towns of Lynnfield and Saugus to implement zoning and nonzoning controls that meet the requirements of 310 CMR 22.20C(2) to protect the portion of Zone A that lies within the boundaries of each of those municipalities.

6. Firm Yield

The Department will review the additional USGS modeling and the additional information that the Commission is required to submit by Special Condition #4 before determining the firm yield.

Depending on the results of this review, the Department reserves the right to modify the interim streamflow thresholds set forth in Special Condition #2 and #3 and establish additional interim streamflow thresholds and/or final streamflow thresholds. The Department further reserves the right to require the Commission to submit additional information relevant to the determination of the firm yield of the system. The Commission shall supply the information requested.

7. Ipswich River Streamflow Triggers and Outside Water Use Restrictions

Beginning on June 1, 2003, the Commission shall implement the Required Actions identified in the following table when streamflow falls below the levels identified for three consecutive days as measured at the USGS Stream gauge noted.

Period	Streamflow Trigger (3 consecutive days below threshold)	Streamflow (USGS South Middleton Gauge Station #01101500) *	Required Action
May 1 st thru September 30 th	< 0.56 cfs ^m	< 24.9 cfs	Public Notice for Voluntary Water Restrictions
May 1 st thru September 30 th	<0.42 cfs ^m	< 18.7 cfs	Implementation of Mandatory Water Restrictions

cfs^m = cubic feet per second per square mile

cfs = cubic feet per second

* The streamflow thresholds set forth above are the mean daily streamflows recorded at the applicable USGS gauge. Should the reliability of flow measurements at the South Middleton Gauge Station be so impaired as to question its accuracy, the permit holder may request, for the Department's review and approval, that the trigger mechanism be transferred to the USGS Ipswich Gauge #01102000. The implementation of restrictions will be triggered by the same cfs^m values that translate to a flow of 70 cfs for voluntary restrictions, and 52.5 cfs for mandatory restrictions. Should the Department become aware of concerns about the reliability of either gauge, it may upon immediate notification to the Modified Permit holder transfer the measurement point to an alternate gauge. The Department reserves the right to modify the above table to reflect use of a different gauge.

Required Actions, voluntary or mandatory, require the filing of a public notice that must appear in a local newspaper paper within 5 business days of the date that the Required Action is triggered. A copy of each notice as published shall be forwarded to the Department within 10 business days of publication. Each notice shall at a minimum include:

1. the streamflow value triggering the required notification;
2. the need to limit water use, especially nonessential outside water use, to protect streamflow for aquatic life and to ensure a sustainable drinking water supply;
3. ways individual homeowners can limit water use, especially nonessential outside water use;
4. in the case of mandatory restrictions, a detailed description of the restrictions and the penalties for violating the restrictions.

At a minimum, the mandatory restrictions shall limit nonessential outside water use to hand held hoses only and include hourly restrictions on nonessential outside water use. At a minimum, hourly restrictions shall avoid water use during the hours 9 a.m. to 5 p.m. when evapotranspiration rates are typically the highest. Notwithstanding the foregoing, irrigation of public parks and recreational fields by means of automatic sprinklers equipped with moisture sensors or similar control technology may be permitted outside of the hours 9 a.m. to 5 p.m. For purposes of this Modified Permit, the term nonessential outside water use is defined to include those uses that do not have health or safety impacts, are not required by regulation, and are not needed to meet the core functions of a business or other organization. The Commission shall have the authority to enforce mandatory restrictions, including the authority to assess penalties or impose fines for violations.

The Commission shall implement, and in the case of mandatory restrictions, enforce the restrictions, until streamflow exceeds, for seven consecutive days, the applicable streamflow threshold set forth in the table above.

In order to evaluate the effectiveness of the restrictions on nonessential outside water use, the Department requires that the Commission submit, along with the Annual Statistical Report, a report documenting all actions taken by the Commission to implement and enforce the restrictions on nonessential outside water use, including without limitation the dates the

restrictions on nonessential outside water use were in place, the streamflow threshold that triggered the restrictions, the restrictions imposed, and the Commission's efforts to enforce the restrictions including the names and addresses of those against whom action was taken and any fines or penalties imposed.

8. Ipswich River Basin Performance Standards

Beginning calendar year 2004, the Commission shall meet the following performance standards (the "Ipswich River Basin Performance Standards").

Performance Standard for Unaccounted for Water

Unaccounted for water shall not exceed 10% of overall water use.

The Commission's Annual Statistical Report shall provide a detailed assessment of its unaccounted for water. Unaccounted for water is defined by the Massachusetts Water Resources Commission as the difference between water pumped or purchased and water that is metered or confidently estimated. Unaccounted for water shall include water that cannot be accounted for due to meter problems, unauthorized hydrant openings, unavoidable leakage, recoverable leakage, illegal connections, stand pipe overflows and fire protection.

The need for water main flushing and the use of water in construction or meter calibration shall be metered or estimated as appropriate in determining actual demand. Volumes flushed to waste shall be reported on the Commission's Water Supply Annual Statistical Report.

Performance Standard for Residential Per Capita Water Use

Residential Per Capita Water use shall not exceed 65 gallons per day.

The Commission shall report its residential gallons per capita per day (rgpcd) and the calculation used to derive that figure as part of its Annual Statistical Report. The rgpcd is the total residential volume in gallons divided by the population served. The source of the data used to establish the service population and the year in which the data was developed shall be provided. If the Commission fails to meet the performance standard for keeping residential per capita water use at or below 65 gallons per day, the Department may require the Commission to implement restrictions on nonessential outside water use that are more stringent than the restrictions set forth in Special Condition #7.

Performance Standard for Seasonal Water Use

Water use between May 1st and September 30th shall not exceed the seasonal cap of 1,646.28 million gallons. To stay within this cap, the Commission shall keep its water use at or below an average daily volume of 10.76 MGD from May 1st thru September 30th. If the Commission exceeds this seasonal cap, the Department may require the Commission to implement more stringent restrictions on nonessential outside water use than those set forth in Special Condition #7.

9. Enhanced Water Conservation Plan

If, in any year beginning with calendar year 2004, the Commission fails to comply with the Performance Standards for Residential Per Capita Water Use and/or Seasonal Water Use, the Commission shall develop and implement an enhanced water conservation plan for the following calendar year. For any year in which the Commission is required to develop and implement an enhanced water conservation plan, the Commission shall submit, along with the Annual Statistical Report, a report documenting all actions taken by the Commission to develop and implement the enhanced water conservation plan.

The enhanced water conservation plan may include without limitation the items listed below:

- Adoption and enforcement of an ordinance or other regulation to require moisture sensors or similar control technology on automatic sprinklers;
- Adoption and enforcement of an ordinance or other regulation to limit the amount of land clearing for the creation of lawns;
- Irrigation of recreational fields and parks in accordance with the Water Resource Commission's May 2002 Guide to Lawn and Landscape Water Conservation;
- Encouragement of the use of cisterns or rain barrels for outside watering through the use of a rebate or at cost program;
- Enhanced public education outreach; and/or
- Purchase and/or development of out-of-basin sources

At a minimum, the enhanced water conservation plan shall meet the requirements set forth below.

- If the Commission fails to comply with the performance standard for keeping residential per capita water use at or below 65 gallons per day, the enhanced water conservation plan shall include the implementation of a program to make water saving devices such as faucet aerators, low flow shower heads and toilet displacement bottles/dams available to its customers at cost and to provide rebates or other incentives for the purchase of low flow appliances (washing machines, dishwashers, and toilets), and the installation of moisture sensors or similar control technology on irrigation systems.
- Any enhanced water conservation plan required by this Modified Permit shall include (1) submission of a report that evaluates the effectiveness of its increasing block rate or a seasonal rate as a tool for encouraging water conservation, (2) implementation of any changes to the current rate structure that will enable the Commission to encourage water conservation, and (3) notification to the Department of the changes along with the reason for the changes

10. Control of Unaccounted for Water

At a minimum, the Commission shall take the actions listed below to meet the performance standard for unaccounted for water at or below 10%.

Metering

The Commission shall implement the meter replacement plan outlined in the Response to Order to Complete as part of the Commission's Capital Improvement Program (CIP) for fiscal years 2003-2005. This plan calls for the replacement of approximately 2000-2500 meters annually.

If unaccounted-for water as reported on the Annual Statistical Report for calendar year 2004 exceeds 10%, the Commission shall submit, along with the Annual Statistical Report for calendar year 2005, a schedule for replacing all service meters that are smaller than 2 inches by March 30, 2009. Thereafter, the Commission shall replace all meters smaller than 2 inches in accordance with the schedule. On or before March 30, 2009, the Commission shall complete the replacement of all service meters that are smaller than 2 inches.

If unaccounted-for water as reported on the Annual Statistical Report for calendar year 2004 is less than or equal to 10%, the Commission shall submit along with the Annual Statistical Report for calendar year 2005, a long-term plan and schedule for ensuring that all service meters accurately measure within 2% the volume of water used by its customers. At a minimum, the plan shall include the provision of sufficient funds in the Commission's annual budget to recalibrate, repair or replace meters as needed. Thereafter, the Commission shall implement the plan and schedule.

Beginning with the Annual Statistical Report for calendar year 2003, the Commission shall submit, along with the Annual Statistical Report, a report documenting all meters that have been replaced during that calendar year. This report shall include all efforts made by the Commission to require that large users that have meters larger than 2 inches calibrate and test their meters annually, and/or the Commission's effort to develop a large meter replacement program.

The Commission shall calibrate all master meters, including the meters that measure raw water and finished water, on an annual basis.

Leak Detection

At a minimum, the Commission shall conduct a full leak detection survey every three years. In addition, the Commission shall perform a leak detection survey of its entire distribution system, whenever the volume of unaccounted for water is greater than 10% of overall water use or whenever the percentage of unaccounted for water increases by 5% or more (for example an increase from 3% to 9%) over the percentage reported on the Commission's Annual Statistical Report for the prior calendar year. On or before December 31 of any calendar year in which a leak detection survey takes place, the Commission shall submit to the Department for its review a report detailing the leak detection survey, any leaks uncovered as a result of the survey or

otherwise, and the estimated water savings as a result of the repair.

Leak Repair

The Commission shall have repair reports available for inspection by the Department.

Leaks shall be repaired as soon as possible including leaks in any water pipes up to the service meter. In no event, shall any leak remain unrepaired for more than seven days after detection.

Water Audit

If, in any year beginning calendar year 2004, the difference between the quantity of the raw water entering the Commission's treatment plant and the quantity of the finished water entering the distribution system from the treatment plant exceeds 5%, the Commission shall submit to the Department for its review and approval a scope of work and schedule for conducting a water audit of the treatment plant by December 31st of the following year. The scope of work shall call for the Commission to evaluate operations at the treatment plant and recommend actions that can save water during the treatment process, and propose a schedule for implementing those actions. Thereafter, the Commission shall complete the water audit in accordance with the scope of work and schedule approved by the Department and submit to the Department for its review and approval a report documenting the results of the water audit including a plan and schedule for reducing the volume of water lost during the treatment process. The Commission shall implement the actions recommended in the water audit report as approved by the Department in accordance with the schedule approved by the Department.

11. Reporting Requirements

The Commission shall submit monthly, for any month in which diversions take place, the volumes withdrawn daily from the Ipswich River Diversion (3163000-05S) and the Saugus River Diversion (3163000-06S) beginning June 1, 2003 and thereafter.

The Commission shall also submit along with the Annual Statistical Report the volumes withdrawn daily from the Ipswich River Diversion (3163000-05S) and the Saugus River Diversion (3163000-06S).

Beginning with calendar year 2004, the Commission shall submit along with the Annual Statistical Report a report documenting all flow diversions, releases to the Saugus River, water levels at the dam, water levels at Reedy Meadow, precipitation patterns, operational data for comprehensive resource management, and any difficulties that the Commission has encountered in maintaining the targets for streamflow, Reedy Meadow water levels and/or water withdrawals.

The Commission shall report both the raw and finished water volumes for the entire water system including the volume of raw water entering the Commission's treatment plant. For individual water sources in the system, raw water volumes shall also be reported.

12. Commercial and Industrial Conservation Program

The Commission shall implement a program to reduce water use by its ten (10) largest industrial and commercial customers, beginning with its plans to conduct water audits of the top ten non-residential users in the spring of 2003. On or before March 1, 2005, the Commission shall report

on the effectiveness of this program. Upon receipt of this report, the Department will take whatever action it deems appropriate to promote the interests of the Water Management Act including without limitation requiring the Commission to take additional actions to reduce commercial and industrial water use.

13. General Conservation Requirements

Pricing

The Commission shall continue to ensure that water supply system operations are fully funded by water supply system revenues. The pricing system should at least reflect the full cost of supplying water, including but not limited to:

- Administrative costs;
- Staff salaries, benefits, insurance and pension costs;
- Distribution system operation, maintenance and repair, including leak detection and repair costs and metering costs;
- Pumping costs and utilities;
- Treatment costs;
- Capital replacement costs, capital depreciation and debt service;
- Any costs associated with water conservation programs and public education programs;
- Watershed or wellhead purchase and/or protection costs and land acquisition; and
- Emergency planning.

Plumbing

The Commission shall ensure enforcement of the March 1, 1989 plumbing code for new construction and building rehabilitation where installation of water saving devices and low flow toilets is required.

On or before December 31, 2003, the Commission shall submit a report that identifies all public buildings and indicates whether each building has been equipped with water savings devices, including but not limited to faucet aerators, low flow shower heads, toilet displacement bottles/dams, low flow toilets and automatic shut-off faucets. The report shall include a schedule for completing, by January 1, 2005, the retrofit of any public buildings that do not have water saving devices.

On or before January 1, 2005, the retrofit of all public buildings shall be complete, and the Commission shall submit a report documenting the date that each public building was retrofitted with water savings devices.

Education

The Commission shall continue its current public education efforts that include: distribution of information on water conservation, lawn care and gardening, and staff available upon request to communities groups. The Commission's public education program should continue to emphasize:

- all the costs of providing water
- that investments in efficiency and conservation will provide consumers with long-term savings
- how water use fluctuates throughout the year
- the environmental benefits of conserving water

Bill stuffers with water conservation tips or water saving messages shall, at a minimum, be included annually with customer's water bills, or as a separate mailing. Copies of this information shall be made available to the Department upon request.

GENERAL CONDITIONS

1. **Duty to Comply** The permittee shall comply at all times with the terms and conditions of this Modified Permit, the Act and all applicable State and Federal statutes and regulations.
2. **Operation and Maintenance** The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw up to the authorized volume so as not to impair the purposes and interests of the Act.
3. **Entry and Inspections** The permittee or the permittee's agent shall allow personnel or authorized agents or employees of the Department to enter and examine any property for the purpose of determining compliance with this Modified Permit, the Act or the regulations published pursuant thereto, upon presentation of proper identification and an oral statement of purpose.
4. **Water Emergency** Withdrawal volumes authorized by this Modified Permit are subject to restriction in any water emergency declared by the Department pursuant to MGL c 21G ss 15-17, MGL c 150 ss 111, or any other enabling authority.
5. **Transfer of Permits** This Modified Permit shall not be transferred in whole or in part unless and until the Department approves such transfer in writing, pursuant to a transfer application on forms provided by the Department requesting such approval and received by the Department at least thirty (30) days before the effective date of the proposed transfer. No transfer application shall be deemed filed unless it is accompanied by the applicable transfer fee established by 310 CMR 36.37.
6. **Duty to Report** The permittee shall submit annually, on a form provided by the Department (the Annual Statistical Report), a certified statement of the withdrawal, such report to be received by the Department by February 28th of each year. Such report must be mailed or hand delivered to:

Department of Environmental Protection
Water Management Program
One Winter Street, 6th Floor
Boston, MA 02108

7. **Duty to Maintain Records** The permittee shall be responsible for maintaining monthly withdrawal records.

8. **Metering** All withdrawal points included within the Modified Permit shall be metered. Meters shall be calibrated annually.

APPEAL RIGHTS AND TIME LIMITS

This permit modification is a decision of the Department. Any person aggrieved by this decision may request an adjudicatory hearing under the provisions of M.G.L.c. 30A. Any such request must be made in writing, by certified mail and received by the Department within twenty-one (21) days of the date of receipt of this Modified Permit. Only the portions of the Modified Permit that reflect a modification of the Commission's current permit may be the subject of an appeal, since the appeal period associated with the Commission's current permit has expired.

No request for an appeal of this Modified Permit shall be validly filed unless a copy of the request is sent by certified mail, or delivered by hand to the local water resources management official in the city or town in which the withdrawal point is located; and for any person appealing this decision, who is not the permit holder, unless such person notifies the permit holder of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

CONTENTS OF HEARING REQUEST

310 CMR 1.01(6)(b) requires the request to include a clear and concise statement of the facts which are the grounds for the request and the relief sought. For any person appealing this decision who is not the permit holder, the request shall include a clear and concise statement of how that person is aggrieved by the issuance of this Modified Permit.

FILING FEE AND ADDRESS

The hearing request, together with a valid check, payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, Ma. 02211

The request shall be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXEMPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing filing fee for any person who demonstrates to the satisfaction of the Department that the fee will create an undue financial hardship. A person, seeking a waiver must file, together with the hearing request, an affidavit setting forth the facts that support the claim of undue hardship.

NO WITHDRAWAL AUTHORIZED HEREIN SHALL EXCEED THE SAFE YIELD OF THE BASIN AS DETERMINED BY THE DEPARTMENT.

NO WITHDRAWAL IN EXCESS OF 100,000 GALLONS PER DAY OVER THE REGISTERED VOLUME (if any) SHALL BE MADE FOLLOWING THE EXPIRATION OF THIS PERMIT, UNLESS BEFORE THAT DATE THE DEPARTMENT HAS RECEIVED A RENEWAL PERMIT APPLICATION PURSUANT TO 310 CMR 36.00.